COVID – 19 GUIDANCE
MASTERS' COURTS

MATRIMONIAL

8 JANUARY 2021

During the current COVID-19 outbreak, the work of the **Matrimonial Masters** will continue in accordance with the arrangements and procedures set out below.

This guidance replaces the composite guidance for Masters' Courts that was published on 12 November 2020

KEY CHANGES TO PREVIOUS GUIDANCE

- **Ancillary Relief Applications** – Form FCI1 should be filed at least 3 days in advance of the court date.

- **Affidavits** – unsworn affidavits will be accepted in ex parte and inter parte applications as a consequence of the current Covid-19 restrictions

MAINTENANCE PENDING SUIT APPLICATIONS

Maintenance pending suit applications should be supported by an affidavit and served on the Respondent to the application who should, within 14 days of service, file by email and serve by email an affidavit in reply. The application will be dealt with either on foot of written submissions emailed to the Court, or by remote hearing via Webex or Sightlink. Written submissions should provide detail of the parties' income, outgoings, and other resources and should be compiled in a complete electronic trial bundle.

FINANCIAL DISPUTE RESOLUTION HEARINGS

Public health guidance has limited the number of people in **Master Sweeney's courtroom** to a maximum of five people. This number includes the Master and the parties. FDRs before Master Sweeney will therefore be **hybrid hearings** with counsel and the parties being physically present in court and the solicitors attending via **Sightlink** from consultation rooms outside the building. Time allocations must be strictly adhered to. Following the FDR hearing, the courtroom participants will leave the building and join the solicitors to continue the consultations and negotiations.

Public health guidance has limited the number of people in **Master Bell's chambers** to a maximum of three people. This prevents Master Bell from facilitating in-person FDR hearings. In respect of those proceedings before Master Bell, FDRs will therefore be held **remotely** via **Webex**.

Where the parties submit an **FCI1** form to confirm that the proceedings are ready for an FDR hearing before either Master, and there are no outstanding issues, they will be allocated a provisional FDR hearing date. If core issues are not filed 14 days in advance, the hearing date will be vacated and a new FDR date will be provided when the Core Issues are filed. Where the parties disagree as to the readiness of proceedings for an FDR hearing, they should request that the case is listed in a Progress Court list or file an **FCI1** form seeking administrative adjudication by the Master.

ANCILLARY RELIEF APPLICATIONS

New ancillary relief applications will be allocated a date for First Directions by the Master . The court will deal with first directions **administratively** (on the papers/written submissions) therefore parties **must not** attend court on the date which appears on the summons.

The parties should collaboratively complete an **FCI1** form and email it to the matrimonialmastersteam@courtsni.gov.uk **at least 3 days in advance of the court date** to reflect any agreed directions, or submissions in relation to directions not agreed and, if relevant, confirming how service has been effected.

The **FCI1** form shall have attached a paginated, electronic, and hyperlinked bundle containing the summons, affidavits and any discovery or correspondence relied on. Where a form FC11 is not submitted within the prescribed timescale , the Master may in the absence of good cause make whatever order he /she considers appropriate.

All communications to the Matrimonial Office should be copied to the other side, even where the person emailing says there is agreement.

Hearings

All final ancillary relief hearings remain difficult in the current circumstances given the public health guidance on the maximum number of persons permitted in the Masters' Chambers and the pressures on other court accommodation.

Where the FDR process has been unsuccessful in resolving the litigation, the parties should collaboratively complete and file Form HR1, paying particular attention to Part 4 of the form. The Master and the Matrimonial Office will then explore the availability of courtroom accommodation in the light of the number of persons who it is wished to have present at the hearing and the expected duration of the hearing. In the event that it is not possible to offer an in-person hearing in the Royal Courts of Justice, alternative suggestions made by the parties shall be considered.

AFFIDAVITS

The Matrimonial Masters will accept unsworn affidavits in ex parte and inter partes applications subject to the solicitors' undertaking to provide a sworn affidavit as soon as is possible and in inter partes applications, subject to any objection by another party.

DECREE ABSOLUTES

Applications for decree absolutes will be processed as usual.